

Senate File 568

H-1534

1 Amend Senate File 568, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 11, after line 25 by inserting:

4 <Sec. _____. Section 49.98, Code 2021, is amended to read as
5 follows:

6 **49.98 Counting ballots.**

7 The ballots shall be counted according to the voters' marks
8 on them as provided in [sections 49.92](#) and [49.93](#), and not
9 otherwise. If, for any reason, it is impossible to determine
10 from a ballot, as marked, the choice of the voter for any
11 office, the vote for that office shall not be counted. A
12 ~~ballot shall be rejected if the voter used a mark to identify~~
13 ~~the voter's ballot.~~ The state commissioner shall, by rule
14 adopted pursuant to [chapter 17A](#), develop uniform definitions of
15 what constitutes a vote.>

16 2. Page 13, line 34, by striking <subsection 2, Code 2021,
17 is> and inserting <subsections 2 and 3, Code 2021, are>

18 3. Page 14, after line 20 by inserting:

19 <3. The Not later than one week after convening, the board
20 shall certify an election canvass summary report prepared by
21 the commissioner. The election canvass summary report shall
22 include the results of the election, including scatterings,
23 overvotes, and undervotes, by precinct for each contest and
24 public measure that appeared on the ballot of the election
25 being canvassed. However, if paper ballots are used pursuant
26 to [section 49.26](#), the election canvass summary report shall not
27 include overvotes and undervotes.

28 Sec. _____. Section 50.38, Code 2021, is amended to read as
29 follows:

30 **50.38 Time of state canvass.**

31 Not later than ~~twenty-seven~~ thirty-four days after the
32 day of the election, the secretary of state shall present to
33 the board of state canvassers abstracts of votes cast at the
34 election showing the number of ballots cast for each office and
35 a summary of the results for each office, showing the votes

1 cast in each county. The state board of canvassers shall
2 review the results compiled by the secretary of state and, if
3 the results are accurately tabulated, the state board shall
4 approve the canvass.

5 Sec. _____. Section 50.48, subsection 1, paragraph a,
6 unnumbered paragraph 1, Code 2021, is amended to read as
7 follows:

8 The county board of canvassers shall order a recount of the
9 votes cast for a particular office or nomination in ~~one or more~~
10 specified each election precincts in that county precinct where
11 a vote was cast for an office if a written request for a recount
12 is made not later than 5:00 p.m. on the third day following
13 the county board's canvass of the election in question. For
14 a city runoff election held pursuant to [section 376.9](#), the
15 written request must be made not later than 5:00 p.m. on the
16 day following the county board's canvass of the city runoff
17 election. The request shall be filed with the commissioner of
18 that county and shall be signed by either of the following:

19 Sec. _____. Section 50.48, subsection 1, Code 2021, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. c. Immediately upon receipt of a request for
22 a recount for an office filled by the electors of more than one
23 county, the commissioner shall send a copy of the request to
24 each commissioner of a county where a ballot for the office was
25 cast, who shall conduct a recount as provided in this section.
26 A candidate for an office filled by the electors of the entire
27 state shall not be required to pay more than one bond for a
28 recount.

29 Sec. _____. Section 50.48, subsection 3, Code 2021, is amended
30 to read as follows:

31 3. a. The recount shall be conducted by a board which shall
32 consist of one of the following:

33 (1) For a county in which three thousand five hundred or
34 fewer ballots were cast:

35 ~~{1}~~ (a) A designee of the candidate requesting the recount,

1 who shall be named in the written request when it is filed.

2 ~~(2)~~ (b) A designee of the apparent winning candidate, who

3 shall be named by that candidate at or before the time the

4 board is required to convene.

5 ~~(3)~~ (c) A person chosen jointly by the members designated

6 under ~~subparagraphs (1)~~ subparagraph divisions (a) and (2) (b).

7 (2) For a county in which more than three thousand five

8 hundred but not more than twelve thousand ballots were cast:

9 (a) Two designees of the candidate requesting the recount,

10 who shall be named in the written request when it is filed.

11 (b) Two designees of the apparent winning candidate, who

12 shall be named by that candidate at or before the time the

13 board is required to convene.

14 (c) Two persons chosen jointly by the members designated

15 under subparagraph divisions (a) and (b).

16 (3) For a county in which more than twelve thousand ballots

17 were cast:

18 (a) Three designees of the candidate requesting the

19 recount, who shall be named in the written request when it is

20 filed.

21 (b) Three designees of the apparent winning candidate, who

22 shall be named by that candidate at or before the time the

23 board is required to convene.

24 (c) Three persons chosen jointly by the members designated

25 under subparagraph divisions (a) and (b).

26 b. The commissioner shall convene the persons designated

27 under paragraph "a", ~~subparagraphs~~ subparagraph (1) and,

28 subparagraph divisions (a) and (b), subparagraph (2),

29 subparagraph divisions (a) and (b), or subparagraph (3),

30 subparagraph divisions (a) and (b), not later than 9:00 a.m.

31 on the seventh day following the county board's canvass of the

32 election in question. If those ~~two~~ members cannot agree on the

33 ~~third~~ additional member or members by 8:00 a.m. on the ninth

34 day following the canvass, they shall immediately so notify the

35 chief judge of the judicial district in which the canvass is

1 occurring, who shall appoint the ~~third~~ additional member or
2 members not later than 5:00 p.m. on the eleventh day following
3 the canvass.

4 Sec. _____. Section 50.48, subsection 4, paragraphs a and c,
5 Code 2021, are amended to read as follows:

6 a. When all members of the recount board have been selected,
7 the board shall undertake and complete the required recount by
8 hand as expeditiously as reasonably possible. The commissioner
9 or the commissioner's designee shall supervise the handling
10 of ballots to ensure that the ballots are protected from
11 alteration or damage. The board shall open only the sealed
12 ballot containers from the precincts specified to be recounted
13 in the request or by the recount board. The board shall
14 recount only the ballots which were voted and counted for the
15 office in question, including any disputed ballots returned as
16 required in section 50.5. ~~If automatic tabulating equipment~~
17 ~~was used to count the ballots, the recount board may request~~
18 ~~the commissioner to retabulate the ballots using the automatic~~
19 ~~tabulating equipment. The same program used for tabulating the~~
20 ~~votes on election day shall be used at the recount unless the~~
21 ~~program is believed or known to be flawed. The board shall~~
22 presume that any mark in a voting target constitutes a vote
23 for the candidate or public measure listed next to the target
24 unless the board finds that the mark was made inadvertently or
25 that the voter attempted to erase the mark.

26 c. The ballots shall be resealed by the recount board before
27 adjournment and shall be preserved as required by section
28 50.12. At the conclusion of the recount, the recount board
29 shall make and file with the commissioner a written report of
30 its findings, which shall be signed by at least ~~two~~ two-thirds
31 of the members of the recount board. The recount board shall
32 complete the recount and file its report not later than the
33 eighteenth day following the county board's canvass of the
34 election in question.

35 Sec. _____. Section 50.48, subsection 4, paragraph b, Code

1 2021, is amended by striking the paragraph.>

2 4. Title page, line 2, by striking <nominations> and
3 inserting <nominations, the counting and recounting of
4 ballots,>

5 5. By renumbering as necessary.

WOLFE of Clinton